

## REMARKS

1. Applicant thanks the Examiner for the Examiner's comments, which have  
5 greatly assisted Applicant in responding, especially in the Response to  
Arguments section.

2. **35 USC §101.**

10 The Examiner stated that the Examiner rejected Claims 1-84 and 85 under 35  
USC §101 because the claim of invention is directed to non-statutory subject  
matter, and that independent Claims 1 and 85 are directed to a method product  
for "developing a multi-channel marketing database", which is not within one of  
the classes of invention set forth in §101.

15

At the bottom of page 2, the Examiner goes on to say that the Claim 1 is merely  
an abstract idea and does not produce a useful, tangible, concrete results[sic]-  
which has practical application in the technological arts.

20 Applicant respectfully disagrees.

Claim 1

Amended Claim 1 appears as follows (emphasis added):

25

1. (currently amended) A method for developing a multi-channel marketing  
**database in a computer network**, which **database** provides a service offering  
that enables multi-channel marketers to **analyze, create, track, control,**  
**coordinate, and execute** marketing strategies across multiple customer  
30 touchpoints **using various communications media and methods**, said  
method comprising the steps of:

providing a first phase for planning;

responsive to said providing a first phase for planning, providing second phase for discovery, comprising business and technical requirements gathering;

5 responsive to said providing a second phase for discovery, providing a third phase for design, comprising reviewing data analysis and determining specifications;

responsive to said providing a third phase for design, providing a fourth phase for development comprising creating and modifying software programs and performing unit and system test on the computer network; and

10 responsive to said providing a fourth phase for development, providing a fifth phase for deployment.

The claim clearly is technical in that the claim is clearly drawn to a method for developing a database that enables a user performs functions with data, the  
15 method also using various communications media and methods. Support that the invention produces a useful, tangible, concrete result which has practical application in the technological arts can be found in the Specification; some examples follow (emphasis added):

20 (On page 3, lines 1-4)

There are many publications, books, and periodicals which concern the subjects of **database marketing**, direct marketing, customer relationship management, one-to-one marketing, and **relational database systems for account and customer management**.

25

(On page 3, lines 18-21)

However, there has been **heretofore no solution available for enabling multi-channel marketers to analyze, create, track, control, coordinate, and execute marketing strategies** across multiple customer touchpoints  
30 **using various communications media and methods.**

30

(On page 3, line 23 through page 4, line 3)

Key to developing such strategies is a methodology for implementing a system that achieves consistent results. In the past, custom database

solutions were created for a client based upon the client's specified needs. With the development of a standard solution **having a consistent hardware/software configuration and a standard data model for each market**, it is necessary to create a development methodology that contains classic components, such as analysis, design, and implementation, yet that could be customized specific to a multi-channel marketing database.

(On page 5, line 24 through page 6, line 4)

5. Deployment: In this final development phase, the Company conducts a deployment meeting with the client, walking through the deployment plan. The Company also analyses final load files from the client **and loads the database with live data**. The Company provides end-user tool training and access to the data as outlined in the 4 deployment plan. After a one to two month period, the final step is a post-project review with the client to ensure that the multi-channel marketing database is meeting the client's expectations.

Nevertheless, Applicant has amended independent Claims 1 and 85 to further clarify that the invention is statutory subject matter. Support can be found *inter alia* in Fig. 2.

Referring to Ex parte Bowman, 61 USPQ2d 1669, 1671 (Bd. Pat. App. & Inter. 2001), Applicant respectfully points out that a method claim that includes in the body of the claim at least one structural/functional interrelationship which can only be computer implemented is considered to have a technological basis.

Therefore, in view of the above, Applicant is of the opinion that Claim 1 and the respective dependent claims are in condition for allowance. For the same rationale, Applicant is of the opinion that independent Claim 85 is in condition for allowance. According, Applicant respectfully requests that the Examiner withdraw the rejection under 35 USC §101.

## 3. 35 USC §112, second paragraph.

The Examiner rejected Claims 1-84 and 85 under 35 USC §112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicant respectfully disagrees.

Claims 1 and 85

The Examiner stated that there is no step of "characteristic" of entities: "database" and "communication media" and proceeding to inquire the following: "Are the steps being done manually or automatically? It is also not clear on how the steps are being done?"

Amended Claim 85 appears as follows (emphasis added):

85. (currently amended) A method for developing a multi-channel marketing database in a computer network, which database provides a service offering that enables multi-channel marketers to analyze, create, track, control, coordinate, and execute marketing strategies across multiple customer touchpoints using various communications media and methods, said method comprising the steps of:

providing a first phase for planning in which a team is identified from both a Company and a client side; and a kick-off meeting is planned that will be held between said client and said Company;

responsive to said providing a first phase for planning, providing a second phase for discovery in which said kick-off meeting is held, as well as a requirements gathering meeting where both business and technical requirements are identified and documented in a discovery document which is given to said client for approval;

responsive to said providing a second phase for discovery, providing a third phase for design in which said Company conducts more than one design meeting with said client to review data analysis from initial test files and

determine specifications for data mapping, update rules, calculations, reports, and campaign management, wherein developed information is documented in a design document which is also given to said client for approval;

5        responsive to said providing a third phase for design, providing a fourth phase for development in which said Company creates unit and system test plans for the computer network, creates and modifies actual software programs and routines on the computer network, and on the computer network performs unit and system tests based upon specifications outlined in said design document; wherein said **Company also establishes retention, back-up,**  
10        **and security procedures and configures end-user tools;** and wherein output from this phase is a deployment plan which is shared with said client; and

15        responsive to said providing a fourth phase for development, providing a fifth phase for deployment in which said Company conducts a deployment meeting with said client, walking through said deployment plan; wherein said Company also analyses analyzes **final load files from said client and loads a database with live data;** wherein said Company provides end-user tool training and **access to data as outlined in said deployment plan;** and wherein, after a one to two month period, a post-project review is held with  
20        said client to ensure that said multi-channel marketing database is meeting said client's expectations.

(a)    With respect the term, database, Applicant is of the opinion that Claim 85 was improperly rejected because the scope of the claim, *i.e.* term database, is  
25        clear, precise, correct, and unambiguous to a hypothetical person possessing an ordinary level of skill in the art.

In addition, in view of the argument made hereinabove in Section 2., Applicant is of the opinion that the term database is clear because it is an element of the  
30        computer network.

(b)    With respect to the term, communications media, Applicant is of the opinion that Claim 85 was improperly rejected because the scope of the claim, which is part of a larger phrase, "across multiple customer touchpoints using various  
35        communications media and methods," is clear, precise, correct, and unambiguous to a

hypothetical person possessing an ordinary level of skill in the art. Support can be found in the claim itself, *inter alia*, "technical requirements are identified and documented," "Company also establishes retention, back-up, and security procedures and configures end-user tools," "analyses final load files from said client and loads a database with live data," and "access to data as outlined in said deployment plan." Further support can be found in the Specification and Fig. 2.

Furthermore, Applicant is of the opinion that the Examiner improperly associated claim breadth with claim indefiniteness. Applicant is entitled to claims as broad as the prior art and the application disclosure will allow [In re Rasmussen, 650 F.2d 1215, 211 USPQ 326, 326 (C.C.P.A. 1981)]. The breadth of a claim is not to be equated with indefiniteness [In re Miller, 441 F.2d 689, 169 USPQ 597, 600 (C.C.P.A. 1971)]. If the scope of the subject matter embraced by the claims is clear, and if Applicant has not otherwise indicated that the invention is to be of a scope different from that defines in the claims, then the claims comply with Section 112, second paragraph.

Claims 25, 26, 35, 39, 40, 48, 49, and 55

In view of the argument hereinabove, Applicant is of the opinion that the Examiner is improperly asking whether steps are performed manually or automatically.

Accordingly, Applicant is of the opinion that Claims 1-85 are in condition for allowance. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 USC §112, second paragraph.

**4. 35 USC §102.**

The Examiner rejected Claims 1-85 under 35 USC §102(e) as being anticipated by U.S. Patent No. 6,725,399 to Bowman.

Applicant respectfully disagrees. Nevertheless, Applicant has amended Claim 1 to further clarify the invention.

Claim 1

5

Claim 1 appears again as follows:

10

1. (currently amended) A method for developing a multi-channel marketing database in a computer network, which database provides a service offering that enables multi-channel marketers to analyze, create, track, control, coordinate, and execute marketing strategies across multiple customer touchpoints using various communications media and methods, said method comprising the steps of:

15

providing a first phase for planning;  
responsive to said providing a first phase for planning, providing second phase for discovery, comprising business and technical requirements gathering;

20

responsive to said providing a second phase for discovery, providing a third phase for design, comprising reviewing data analysis and determining specifications;

25

responsive to said providing a third phase for design, providing a fourth phase for development comprising creating and modifying software programs and performing unit and system test on the computer network; and  
responsive to said providing a fourth phase for development, providing a fifth phase for deployment.

The prior art of record does not teach all elements of the invention as claimed.

30

Hence, Applicant is of the opinion that Claim 1 and the dependent claims are in condition for allowance. In view of the discussion hereinabove, Applicant is of the opinion that Claim 85 is in condition for allowance. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection under 35 USC §102(e).

5. It should be appreciated that Applicant has elected to amend Claims 1 and 85 solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals, 65 Fed. Reg. 54603 (9/8/00). In making such amendment, Applicant has not and does not in any way
- 5 narrow the scope of protection to which Applicant considers the invention herein to be entitled. Rather, Applicant reserves Applicant's right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.



**CONCLUSION**

Based on the foregoing, Applicant considers the present invention to be distinguished from the art of record. Accordingly, Applicant earnestly solicits the  
5 Examiner's withdrawal of the rejections raised in the above referenced Office Action, such that a Notice of Allowance is forwarded to Applicant, and the present application is therefore allowed to issue as a United States patent. The Examiner is invited to call agent, at 408-474-8400 to discuss the response.

10

Respectfully Submitted,

*Julia A. Thomas*

Julia A. Thomas,

15

Reg. No. 52,283

Customer No. 22862